

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3547

IN THE MATTER OF:

Served September 6, 1990

Application of TRANSPORTATION)	Case No. AP-90-31
MANAGEMENT SERVICES, INC., for)	
Temporary Authority to Conduct)	
Charter Operations Pursuant to)	
Contract with Mantua Citizens')	
Association, Inc.)	

By application filed August 3, 1990, Transportation Management Services, Inc. (TMSI or applicant), seeks temporary authority to transport passengers in charter operations pursuant to contract with Mantua Citizens' Association, Inc. (MCA), from the Mantua, Pine Ridge, Winterset, and Camelot subdivisions, Fairfax County, VA, to points in Washington, DC, and return.

Order No. 3538, served August 13, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3538 served as publication of notice and directed that protests be filed in accordance with Commission Rule No. 14 no later than August 23, 1990. No protest to the application was received by the Commission.

Order No. 3538 further directed that TMSI file certain clarifying materials with the Commission no later than August 21, 1990. Applicant timely filed the requested materials. The materials indicate that TMSI intends to initiate the proposed service with leased vehicles currently dedicated to the account of Scheduled Airlines Traffic Offices, Inc. (SATO). By August 31, 1990, TMSI anticipates delivery of new vehicles to be used for SATO's account. TMSI intends to acquire "permanent" vehicles for the proposed MCA service after the first few months of operations. The materials filed by TMSI indicate that it projects total revenue of \$137,500 from the proposed service during the first 12 months of operations. TMSI also clarified certain matters regarding its financial statements.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearing or other proceedings, if it finds that there is an immediate and urgent need for the service proposed and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan

District, Order No. 2738, served July 22, 1985; See also Order Nos. 2440, 2448, 2864, and 3221, served July 8, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

No duly authorized carrier protested this application thereby indicating its ability and willingness to provide the service proposed by applicant, and the Commission finds that no other carrier is capable of meeting the service need to which applicant's witness attested. It is further found, based on the evidence of record as described in Order No. 3538, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That Transportation Management Services, Inc., is hereby conditionally granted a maximum of 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers in charter operations pursuant to contract with Mantua Citizens' Association, Inc. (MCA), from the Mantua, Pine Ridge, Winterset, and Camelot subdivisions, Fairfax County, VA, to points in Washington, DC, and return.

2. That Transportation Management Services, Inc., is hereby directed, no later than 30 days from the service date of this order to identify its vehicles in accordance with Commission Regulation No. 67-03 and to file the following: (a) an affidavit of compliance with Commission Regulation No. 67-03; (b) three copies of its WMATC Temporary Tariff No. AP-90-31; (c) an equipment list stating make, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for all vehicles to be used in revenue operations; (d) evidence of ownership, or leases, or verification that filed leases are live and unchanged, as appropriate, for all vehicles to be used in revenue operations; and (e) to file a certificate of insurance in conformance with Commission Regulation No. 62 covering all vehicles to be used in revenue operations.

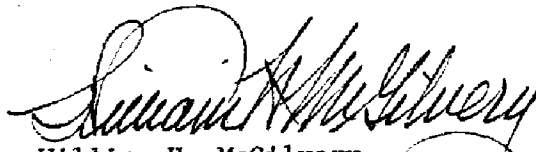
3. That the Executive Director shall notify Transportation Management Services, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire March 5, 1991, unless otherwise ordered by the Commission.

5. That unless Transportation Management Services, Inc., complies with the requirements of this order within 30 days from date of issuance or in such additional time as the Commission may direct or

allow, the grant of temporary authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director